

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

ABRAHAM FLORES	§	
	§	
VS.	§	CIVIL ACTION NO. G-07-088
	§	
LORANCE W. BODDEN	§	

PATRICIO ZAMORA	§	
	§	
VS.	§	CIVIL ACTION NO. G-07-090
	§	
LORANCE W. BODDEN	§	

OPINION AND ORDER

On July 28, 2008, this Court held a Hearing on the Defendant's "Motion to Vacate Order Awarding Attorney's fees or in the alternative, Motion for Rehearing" filed in each of the above-styled causes. Counsel for Plaintiffs appeared in person. Counsel for Defendant, Lorance W. Bodden, also appeared in person. Counsel for the Stratton Law Firm did not appear to defend its interest in the Order awarding the Firm fees and expenses. The Court, having heard arguments from the attorneys present now issues this Opinion and Order.

The Court finds that Gilberto Hinojosa, counsel for Defendant, did not receive adequate actual notice of the application for fees and expenses in time to permit a formal response to be timely filed and that his failure to do is, under the circumstances of this case, excusable. The Court further finds that Hinojosa has raised reasonable questions regarding the propriety of the \$43,827.91 award of fees and expenses to the Stratton Law Firm. The Court, therefore, concludes

that the Defendant should be entitled to challenge those fees and expenses even though they were paid to avoid contempt of the District Court's Order.

It is, therefore, **ORDERED** that this Court **WILL** conduct an **Evidentiary Hearing** on **September 12, 2008, at 10:00 a.m.**, in Galveston, Texas, on the issue of the amount of attorney's fees and expenses associated with obtaining the Default Judgments; preparing for and attending the Damages Hearings, if any; for pursuing collection efforts; and for responding to the Motion to Vacate to which the Stratton Law Firm is entitled.

DONE at Brownsville, Texas, this 13th day of August, 2008.



John R. Froeschner
United States Magistrate Judge